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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,911	12/17/2003	David W. Jenkins	2376.2009-000	8354
21005 7590 01/23/2009 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133				
EXAMINER				
MOUTAOUAKIL, MOUNIR				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/738,911

Applicant(s)

JENKINS ET AL.

Examiner

MOUNIR MOUTAOUKIL

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on 10-27-2008 has been entered and entered.

Claims 1-20 are pending in this application.

Claims 1-20 are rejected as discussed below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dove et al (US 2003/0007502). Hereinafter referred to as Dove.

Regarding claims 1, 10 and 18. Dove discloses a method for grooming network traffic in a digital cross-connect (see figures 3-4). The method comprises grooming inbound traffic at a first transport switch from among multiple transport switches (figs.3 network elements connected to ADSL and POTS grooms traffic to OC3) for at least one local switch (central office), the at least one local switch transmitting the groomed inbound traffic to at least one destination other than the multiple transport switches (see fig.3, groomed traffic is directed to central office which further forwards traffic to other subscribers); and grooming, at a second transport switch from among the multiple

transport switches (fig.3, network elements) , outbound traffic received at the at least one local switch from at least one source other than the multiple transport switches (figs.3, traffic is groomed by the network elements from low capacity links into a higher capacity links and vice versa).

Regarding claim 2. Dove teaches: grooming of inbound and outbound traffic is performed independently (Fig.2-4, the network elements and switches function independently).

Regarding claims 3 and 11. Dove discloses the grooming elements are operating wherein the grooming of inbound and outbound traffic is performed free of tandem tying the first and second transport switches (Figs. 2-4 and 7).

Regarding claims 4 and 12. Dove further discloses including configuring the at least one local switch to operate with the first and second transport switches (Figs. 2-4, central office configured to operate with the network elements).

Regarding claim 5. Dove teaches: performing protocol switching at the at least one local switch (Figs.2-4, network elements switches between different protocols).

Regarding claims 6 and 14. Dove discloses performing grooming at at least a third transport switch (Figs.1-4, there are many network elements in the network).

Regarding claims 7 and 15. Dove teaches that the first and second transport switches are at least one of the following: wideband crossconnect switches, narrowband crossconnect switches, or broadband crossconnect switches (Figs.2-4).

Regarding claims 8 and 16. Dove discloses that the method is performed in a central office (figs 1-4, Central office).

Regarding claims 9 and 17. Dove discloses a method performed in an electrical, optical, or wireless network (Figs1-4).

Regarding claim 13. Dove discloses a system for grooming network traffic in a digital cross-connect (figs.2-4). The system comprises a first transport switch that grooms inbound traffic into different forms of lower-bandwidth signals for multiple protocol switches that handle traffic of different protocols (fig.2-4); and a second transport switch that grooms outbound traffic for the multiple protocol switches (figs.2-4).

Regarding claims 19 and 20. Dove teaches: Grooming inbound traffic at the first transport switch includes separating higher speed traffic streams into lower speed traffic streams (Figs.2-4), and grooming outbound traffic at the second transport switch includes packing lower speed traffic streams into higher speed traffic streams (Figs.2-4).

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO_892.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of. The art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOUNIR MOUTAOUKIL whose telephone number is (571)270-1416. The examiner can normally be reached on Monday-Thursday (1pm-4:30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./
Examiner, Art Unit 2419

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419